IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.50216-M of 2006
Date of Decision:- 19.1.2007

Dara Singh ....Petitioner(s)

through
Mr.Krishan Singh, Advocate

vs.

The State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is undergoing 10 years' rigorous imprisonment under the N.D.P.S.Act, 1985 is aggrieved at the order dated 10/21.7.2006 passed by the Director General of Prisons, Haryana, denying him parole for house repairs on the ground that the financial condition of his family is not good and that the house of the prisoner has already been constructed.

Somewhat similar stand has been taken in the written statement.

The aforementioned order has been passed relying upon the report of the District Magistrate, Allahabad, a copy of which has been appended as Annexure R-1/T.

A plain reading of the report reveals that it is self-contradictory. If the petitioner's family is financially so poor that they cannot repair the house, then how it was possible for them to reconstruct the same, as reported by the District Magistrate?

That apart, it is for the prisoner to see as to what kind of repairs he can afford in his house and unless it is found that the cause of house

repairs is merely a pretext to secure his temporary release, parole cannot be denied on that count.

Consequently and for the reasons afore-stated, the impugned order dated 10/21.7.2006 (Annexure P-1) is quashed. The Director General of Prisons, Haryana is directed to reconsider the petitioner's case in the light of the observations made here-in-above within a period of two months from the date of receipt of certified copy of this order.

January 19, 2007 **(SURYA KANT)**
poonam **JUDGE**